

## **REMARKS**

This paper is filed in response to a non-final Office action dated March 3, 2009. In the Office action, the drawings are objected to for allegedly failing to show features specified in the claims, and all pending claims 1-29 are rejected as allegedly indefinite. In response, Applicant has cancelled claims 7 and 15 and has amended claims 1-2, 4-5, 9, 12-13, and 27-28. The amendments are supported by the specification and no new matter is added. In view of the amendments and remarks submitted herewith, reconsideration and withdrawal of all objections and rejections are respectfully requested.

### **Objections**

The drawings are objected to for allegedly failing to show features specified in the claims. Specifically, the Examiner asserts that the Galileo telescope of claims 7 and 15 is not shown in the drawings. Applicant disagrees. Contrary to the Examiner's assertion, the Galileo telescope is illustrated in FIG. 1 under reference numeral 17 ("optical elements") located downstream of the confocal microscope. Because the Galileo telescope recited in claims 7 and 15 belongs to the category of "optical elements" and is also located downstream of the confocal microscope, this objection is improper and should be withdrawn. Moreover, Applicant has cancelled claims 7 and 15 without prejudice by way of this amendment, rendering this objection moot.

### **Claim Rejections**

Turning to the indefiniteness rejections raised in the Office action, Applicant has amended claims 1-2, 4-5, 9, 12-13, and 27-28 and submit the following remarks to overcome the indefiniteness rejections.

Claim 1 is amended to address the insufficient antecedent basis and means-plus-function issues raised in the Office action. Moreover, claim 1 is amended to recite “means for servocontrolling”. Thus, amended claim 1 is now definite and complete.

Claims 2 and 5 are amended to address the insufficient antecedent basis issue raised in the Office action. As a result, amended claims 2 and 5 are definite.

Claims 4 and 12 are amended to no longer recite “in the probe beam”. Regarding the claim language of “three directions in space”, Applicant wants to remind the Examiner that regardless of Cartesian coordinated or roll pitch and yaw, the directions in space are equivalent to one another and one of ordinary skill in the art would be able to converted one form of coordination to another. Accordingly, amended claims 4 and 12 are definite.

Regarding claims 6 and 14, Applicant traverses the asserted indefiniteness rejections by pointing out that the 0<sup>th</sup> order of a light beam is a well-defined intrinsic characteristic of the light beam, which is the beam for which the diffraction angle is equal to zero while remaining in a single environment. Similarly, the paraxial 1<sup>st</sup> order of a light beam is also a well-defined characteristic recognized by one of ordinary skill in the art. Therefore, the rejections of claims 6 and 14 are improper and should be withdrawn.

Regarding claim 8, Applicant again traverses the asserted indefiniteness rejection by pointing out that the polarization of a light beam is a defined characteristic of the light beam, which is represented by an electromagnetic wave propagating along a given direction. The wave is composed of a magnetic field and an electric field, both perpendicular to the direction of propagation. The polarization of the wave represents the time evolution of the electric field in a given wave plane. Hence, the claim language of “the polarization of the probe beam” refers to a claim element that is an intrinsic and well-defined characteristic of a given

light beam to one of ordinary skill in the art. Thus, this rejection is improper and should be withdrawn as well.

Claim 9 is amended to address the insufficient antecedent basis and means-plus-function issues raised in the Office action. Moreover, claim 9 is amended to recite the additional step of “detecting and recording the probe beam with means for measuring the phase shift of the light beam”. As a result, amended claim 9 is now definite and complete.

Claims 13 and 27-28 are all amended to address the insufficient antecedent basis issues raised in the Office action. Accordingly, amended claims 13 and 27-28 are definitely.

In conclusion, Applicants respectfully submit that all pending claims 1-6, 8-14, and 16-29 are definite and in condition for allowance. Applicants respectfully solicit same. Should the Examiner have any questions, he is invited to telephone the undersigned.

Dated: July 2, 2009

Respectfully submitted,

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